

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

James Darnell Sudberry,

Plaintiff,

v.

Case No. 1:15cv650

Warden, Correctional Reception Center,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on October 20, 2015 (Doc. 2).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 2) of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. 1) is **DENIED**. The full filing fee is due in accordance with the recommendation by the Magistrate Judge.

Pursuant to 28 U.S.C. § 1915(a)(3), any request for appeal would not be taken in good faith and would be denied.

IT IS SO ORDERED.

s/Michael R. Barrett

Michael R. Barrett
United States District Judge